

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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REGINALD C. HOWARD,

Case No.: 2:19-cv-00749-CDS-EJY

Plaintiff,

ORDER

v.

STEVEN GRIERSON, et al.,

Defendants.

Pending before the Court is Defendants’ Motion for Leave to File Under Seal Submission of Exhibit B to Defendants’ Motion for Summary Judgment. ECF No. 78. Defendants state that “Exhibit B [is] ... the Declaration of Geraldine Worth, attached to which are the medical records of Plaintiff.” *Id.* at 1.

As the party seeking to seal a judicial record, Defendants must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that “compelling reasons” support secrecy). The mere fact that the production of records may lead to a party’s embarrassment, incrimination, or exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Importantly, medical privacy also meets the compelling reason standard. *See, e.g., San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL89931, at *n. 1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL4715793, at *1–2 (D.HI. Nov. 15, 2010); *G. v. Hawaii*, 2010 WL 267483, at *1–2 (D. HI. June 25, 2010); *Wilkins v. Ahern*, 2010 WL3755654 (N.D. Cal. Sept. 24, 2010); *Lombardi v. Tri West Healthcare Alliance Corp.*, 2009 WL 1212170, at *1 (D. Ariz. May 4, 2009).

1 The Court considered the Motion and the documents sought to be sealed. The Court finds
2 Exhibit B to Defendants' Motion for Summary Judgment contain medical records that are properly
3 sealed.

4 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Leave to File Under
5 Seal Submission of Exhibit B to Defendants' Motion for Summary Judgment (ECF No. 78) is
6 GRANTED.

7 IT IS FURTHER ORDERED that Exhibit B to Defendants' Motion for Summary Judgment
8 shall remain sealed.

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10 DATED this 22nd day of December, 2022.

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13 ELAYNA J. YOUCHAK
14 UNITED STATES MAGISTRATE JUDGE
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